

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DWAN CHAVEZ, *on behalf of S.A.B. a minor,*

Plaintiff,

v.

Civ. No. 15-589 GBW

SOCIAL SECURITY ADMINISTRATION,
Carolyn W. Colvin, Acting Commissioner of SSA,

Defendant.

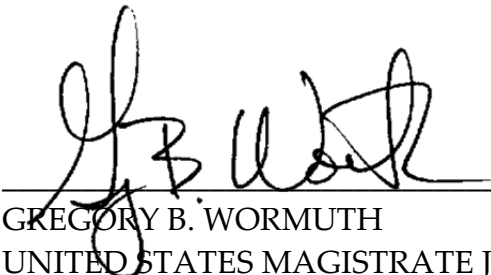
ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff, who seeks judicial review of the denial of his application for social security benefits on behalf of his minor child, filed a Motion for Leave to Proceed in forma pauperis (IFP). *Doc. 4.* “In order to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005) (citation omitted). 28 U.S.C. § 1915(a)(1) applies to all plaintiffs seeking IFP status. *Id.*; see also *Griffin v. Zavaras*, 336 F. App’x 846, 849 n.2 (10th Cir. 2009).

In cases involving a minor, “courts have held that the financial resources of both the minor and the parent should be considered in determining the ability to pay the costs of litigation.” *Zhu v. Countrywide Realty Co.*, 148 F. Supp. 2d 1154, 1156 (D. Kan. June 28, 2011) (collecting cases) (denying motion to proceed *in forma pauperis* where

parent submitted only information regarding minor child's financial status but not her own). Here, Plaintiff's Affidavit indicates that her income derives largely from her three minor children's disability benefits, and also evidences both her and her minor child's inability to pay the filing fee. *Doc. 4, Ex A*. Moreover, Plaintiff's Complaint asserts a nonfrivolous argument on the law. As such, I find the motion well-taken and hereby GRANT it.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE